

**REMARKS**

The applicants thank the examiner for acknowledging applicants' claim for foreign priority and reception of the certified copy of the foreign priority document that was submitted on 27 July 2004. The applicants also thank the examiner for having returned initialed copies of the PTO 1449 that was submitted on 27 July 2004 and the PTO 1449 that was submitted on 25 August 2005.

Claims 1 - 26 are pending. Claims 3, 5 and 8 - 26 were indicated by the examiner as having been withdrawn. The applicants initially stated in the response to the election of species on 1 March 2007 that only claims 1, 2, 4, 6 - 7 and 23 read on the Species I of Figure 2. However, the applicants respectfully submit that claims 8 - 10 and 26 are also readable on the Species I of Figure 2. Thus, the applicants respectfully request examination of claims 8 - 10 and 26.

The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 - 2 and 6 - 7 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,234,769 to Sakai *et al.* (hereafter: "Sakai"). The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claims 1 and 26 been amended to recite *inter alia* the novel embodiment disclosed, for example, on pgs. 17 - 18 in which a fluid machine includes a movable member 102 that is received in the housing 10a and defines a working chamber 103 having a variable volume in the housing, and a valve mechanism 107 that opens and closes at least one communication passage arranged in the housing, wherein each communication passage communicates between the corresponding working chamber 103 and a high pressure chamber 104, the valve mechanism

enables flow of fluid from each working chamber to the high pressure chamber and blocks backflow of fluid from the high pressure chamber to each working chamber at time of operation of the fluid machine in the pump mode, and opens at least one of the at least one communication passage at time of operation of the fluid machine in the motor mode. The movable member 102 is drivable by an external drive force to change the volume of the corresponding working chamber 103 and thereby to compress the fluid in the corresponding working chamber in the pump mode, and is drivable by an expansion energy of the fluid, which is supplied into and is expanded in the corresponding working chamber 103 to change the volume of the corresponding working chamber 103, so that the kinetic energy is generated in the motor mode.

On the other hand, without conceding that Sakai discloses any feature of the present invention, Sakai is directed to a hybrid type compressor, which is drivable by a combustion engine and an electric motor. According to Sakai, the compressor 500 includes a housing 501 and a compression mechanism 510 provided in the housing 501 at the axial rear end of the compressor 500. The compression mechanism 510 includes a fixed scroll member 511 fixed to the housing 501, and a movable scroll member 512 orbiting with respect to the fixed scroll member 511. In the fixed scroll member 511, plural second communication passages 553 which make the discharge chamber 515 communicate with a compression chamber  $V_c$  formed by engaging the fixed scroll member 511 and the movable scroll member 512. Lead valves 554 are provided in each second communication passages 553 at the side of the discharge chamber 515, for preventing the refrigerant returning from the discharge chamber 515 into the compression chamber  $V_c$ .

Although Sakai discloses driving the movable scroll member 512, Sakai fails to disclose that the movable member 512 is drivable by an expansion energy of the fluid, which is supplied into and is expanded in the corresponding working chamber to change the volume of the

corresponding working chamber, so that the kinetic energy is generated in the motor mode.

Rather, Sakai only discloses operations of the compressor 500 within pump modes.

Further, although Sakai discloses an electromagnetic valve 552 and lead valves 554 which the examiner asserts disclose the claimed valve mechanism, Sakai fails to disclose that the valve mechanism enables flow of fluid from each working chamber to the high pressure chamber and blocks backflow of fluid from the high pressure chamber to each working chamber at time of operation of the fluid machine in the pump mode and opens at least one of the at least one communication passage at time of operation of the fluid machine in the motor mode. That is, Sakai fails to disclose that the electromagnetic valve 552 or lead valves 554 enables switching between a motor mode and a pump mode by opening and closing the communication passage arranged in the housing. As discussed above, Sakai only discloses operations of the compressor 500 within pump modes.

Accordingly, because Sakai fails to disclose a movable member 512 that is drivable by an expansion energy of the fluid, which is supplied into and is expanded in the corresponding working chamber to change the volume of the corresponding working chamber, so that the kinetic energy is generated in the motor mode; and a valve mechanism which enables flow of fluid from each working chamber to the high pressure chamber and blocks backflow of fluid from the high pressure chamber to each working chamber at time of operation of the fluid machine in the pump mode and opens at least one of the at least one communication passage at time of operation of the fluid machine in the motor mode, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

Claims 2 and 6 – 7 depend from claim 1. Therefore, the rejection of these claims should be withdrawn for at least the above-mentioned reasons with respect to claim 1.

Claims 8 - 10 depend from claim 1, and claim 26 also has been amended to include the novel limitations of amended claim 1. Therefore, claims 8 - 10 and 26 should be in condition for allowance.

Claim 4 was rejected under 35 U.S.C 103(a) as being unpatentable over Sakai in view of a publication authored by Koshal. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Kosah also fails to teach or suggest a movable member that is drivable by an expansion energy of the fluid, which is supplied into and is expanded in the corresponding working chamber to change the volume of the corresponding working chamber, so that the kinetic energy is generated in the motor mode; and a valve mechanism which enables flow of fluid from each working chamber to the high pressure chamber and blocks backflow of fluid from the high pressure chamber to each working chamber at time of operation of the fluid machine in the pump mode and opens at least one of the at least one communication passage at time of operation of the fluid machine in the motor mode. Accordingly, the rejection of claim 4 under 35 U.S.C. 103(a) should be withdrawn.

Withdrawn claims 3, 5 and 11 - 25 depend from claim 1. Therefore, withdrawn claims 3, 5 and 11 - 25 should also be in condition for allowance for the above-mentioned reasons with respect to claim 1.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kerry S. Culpepper", written over a horizontal line.

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